

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHARLES ELLIS, SR.,

Plaintiff,

v.

KERN COUNTY SHERIFF
DEPARTMENT, et al.,

Defendants.

No. 1:22cv-01209-JLT-SAB (PC)

ORDER OVERRULING PLAINTIFF'S
OBJECTIONS TO NOTICE TO OPT-OUT OF
SETTLEMENT CONFERENCE

(ECF No. 45)

Plaintiff is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff's objections to Defendants' notice to opt-out of the settlement conference, filed February 6, 2024.

On December 11, 2023, the Court issued an order referring this case to the Court's Alternative Dispute Resolution Program, set the case for a settlement conference on February 13, 2024, before Magistrate Judge Barbara A. McAuliffe, and stayed the case. (ECF No. 38.) The Court advised defense counsel that counsel could opt-out of the settlement conference with thirty days.

On January 23, 2024, Defendants filed a motion to opt-out of the settlement conference because after investigation they believe a settlement conference would be unproductive at this

1 time. (ECF No. 40.) Defendants acknowledged that the notice was untimely under the Court's
2 order, but provided good cause in that defense counsel was out of the country from December 11,
3 2023 to January 2, 2024, and after correspondence from Plaintiff believed a settlement conference
4 would not be fruitful as only a waiver of costs could be offered. (ECF No. 40.)

5 Plaintiff objects to Defendants' notice and argues that Defendants violated the Court's
6 order because they are manipulating the Court. (ECF No. 45.) As stated above, Defendants
7 presented good cause for the late filing of the opt-out notice and provided sufficient cause as to
8 why they believed a settlement conference would not be fruitful at this time. (ECF No. 40.)
9 Plaintiff's objections have no merit and there is no basis to impose sanctions. Accordingly,
10 Plaintiff's objections are overruled.

11 IT IS SO ORDERED.

12 Dated: **February 7, 2024**

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14 UNITED STATES MAGISTRATE JUDGE